

Remarks:

Claims 1-18 remain pending in the application. Claims 1-12 stand rejected under 35 USC § 112 as being indefinite. Claims 1-18 stand rejected under 35 USC § 102(e) based on Sevcik et al. (US Patent No. 6,330,542). Applicant traverses the rejections of claims 1-18. However, in order to further prosecution of this application, applicant has amended the claims to clarify his position.

In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Claim Rejections Under 35 USC § 112

In the Office action, the Examiner states that claims 1 and 11 cite a "computer-implemented method" in the preambles, but fail to cite a computer in the body of the claims and are therefore indefinite. Without necessarily conceding the Examiner's assertion, applicant has amended these claims to include a computer in the body of the claims. If the Examiner disagrees, applicant requests that the Examiner specify an appropriate amendment.

Claim Rejections Under 35 USC § 102(e)

As noted above, claims 1-18 stand rejected under 35 USC § 102(e) based on Sevcik et al. Sevcik et al. discloses a system and method for managing the quoting and procurement of commercial printing.

In particular, Sevcik et al. describes an automated Internet quoting and procurement system that provides a graphical interface between buyers of commercial printing services and the providers of those services. The buyer enters variable specifications such as quantity, paper grades, the number of ink colors, and

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the delivery zip code, to obtain a quote from a commercial printer. Pricing is for the service of printing a particular print job, based on a standardized pricing schedule. For example, pricing is determined by factors such as the number of ink colors (col. 6, ll. 45-54), which impacts the settings required of the commercial printing equipment. Price is set regardless of whether a buyer needs to have a word printed in a particular color, or the entire background printed in that color. Sevcik et al. does not even consider the cost of the actual consumable, the ink. The buyer thus is charged for the process of applying various color inks, rather than for the actual amount of ink used.

As amended, claims 1 and 13 each recite that "calculating the cost of the electronic print job includes calculating an actual consumables cost based on a set of consumable factors." Claims 11 and 17 now recite that "calculating the preliminary cost of the print job includes calculating an actual consumables cost based on a set of consumable factors." There is no disclosure in Sevcik et al. of calculating an actual consumables cost to determine a print job cost. Sevcik et al. is directed to providing a price quote from a commercial vendor, which price is set based generally overhead and profit expectations, largely independent of actual consumables costs (see col. 13, ll. 9-26). A price structure is set prior to any particular information about the print job. Accordingly, amended claims 1, 11, 13, and 17 are not disclosed or suggested by Sevcik et al. Claims 2 and 3 have been cancelled without prejudice. Dependent claims 4-10, 12, 14-16, and 18 depend from independent claims 1, 11, 13 and 17, and thus include all the features of their respective independent claims. The remaining dependent claims therefore are not

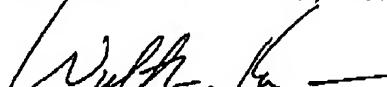
anticipated by Sevcik et al. The rejection of claims 1 and 4-18 under 35 USC § 102(e) based on Sevcik et al. thus should be withdrawn.

Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner T. Nguyen, Group Art Unit 3629, Assistant Commissioner for Patents, at facsimile number (703) 305-7687 on September 23, 2004.



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